



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO IL 60604-3590

SEP 18 2019

REPLY TO THE ATTENTION OF

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mark Belmer
St. Vincent de Paul Society of Lane County, Inc.
705 S. Seneca Road
Eugene, Oregon 97402

Re: Compliance Assurance Letter
St. Vincent de Paul Society of Lane County, Inc.
Eugene, Oregon

Dear Mr. Belmer:

The U.S. Environmental Protection Agency has found evidence that St. Vincent de Paul Society of Lane County, Inc. (St. Vincent) or you may be violating Section 608 of the Clean Air Act (CAA), 42 U.S.C. § 7671g, and through this Compliance Assurance Letter advises that you should take the action(s) specified below to achieve and/or maintain compliance with the CAA. In addition, EPA requests that you submit the documents specified below within 45 days of receipt of this letter.

EPA reviewed documents concerning your facility and conducted a follow-up phone call with you on August 5, 2019. Based on review of this information, EPA has found evidence that your facility may be violating rules or regulations under the CAA.

Rules and Potential Violations

On May 14, 1993, EPA promulgated 40 C.F.R. Part 82, Subpart F, which has since been updated, 58 *Fed. Reg.* 28712. Operations at St. Vincent's facility are subject to 40 C.F.R. Part 82, Subpart F.

40 C.F.R. Part 82, Subpart F, at 40 C.F.R. § 82.164 states, in part:

(a) All persons reclaiming used class I or II refrigerant or non-exempt substitute refrigerant for sale to a new owner must meet the following requirements:

(c) Certificates are not transferable. In the event of a change in ownership of an entity which reclaims refrigerant the new owner of the entity must certify with the Administrator within 30 days of the change that they will meet the reclaimer certification requirements. In the event of a change in business management, location, or contact information, the owner of the entity must notify EPA within 30 days of the change at the address in § 82.160(a).

(d) Recordkeeping and reporting. (1) Reclaimers must maintain records, by batch, of the results of the analysis conducted to verify that reclaimed refrigerant meets the necessary specifications in paragraph (a)(2) of this section.

(2) Reclaimers must maintain records of the names and addresses of persons sending them material for reclamation and the quantity of the material (the combined mass of refrigerant and contaminants) by refrigerant type sent to them for reclamation. Such records must be maintained on a transactional basis for three years.

(3) Reclaimers must report to the Administrator annually by February 1 of the next calendar year the total annual quantity of material (the combined mass of refrigerant and contaminants) by refrigerant type sent to them for reclamation, the total annual mass of each refrigerant reclaimed, and the total annual mass of waste products.

Please note that the above requirements apply to both ozone-depleting substances and their non-exempt substitutes. You must include the amount of refrigerant sent to you for reclamation in your annual report whether you reclaimed that refrigerant in the same calendar year or in a later year. This report must include all refrigerants that you received for reclamation regardless of type.

St. Vincent de Paul has potentially:

1. Failed to report on refrigerant received for reclamation;
2. Failed to keep records of the names and addresses of persons sending material to St. Vincent for reclamation, and the quantity of the material (the combined mass of refrigerant and contaminants) by refrigerant type; and
- 3) Failed to notify EPA of an address change with 30 days.

Actions to Ensure Compliance

In order to ensure compliance, within 30 calendar days from the date of this letter, you should develop a method for keeping records of the names and addresses of persons sending used refrigerant (not contained within appliances) to St. Vincent for reclamation, ensure that all such refrigerant received for reclamation is included in your annual report to EPA, and confirm any change in St. Vincent's address since initial reclaimer application.

In order to demonstrate to EPA that you are in, and are maintaining, compliance, within 45 calendar days from the date of receipt of this letter, EPA asks that you submit to EPA the actions that you took in response to this letter that pertain to the regulations stated above, including any supporting documentation. You should send all reports required by this letter to:

Attention: Compliance Tracker (ECA-18J)
Air Enforcement and Compliance Assurance Branch
U.S. Environmental Protection Agency, Region 5
77 W. Jackson Boulevard
Chicago, Illinois 60604

This letter is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq.*, because it seeks information from specific individuals or entities as part of an administrative investigation. You may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B for any part of the information you submit to EPA in response to this letter. Information subject to a business confidentiality claim is available to the public only to the extent, and by means of the procedures, set forth at 40 C.F.R. Part 2, Subpart B. If you do not assert a business confidentiality claim when you submit the information, EPA may make this information available to the public without further notice. You should be aware, moreover, that pursuant to Section 114(c) of the CAA and 40 C.F.R. §§ 2.301(a) and (f), emissions data, standards and limitations are not entitled to confidential treatment.

Please note that this letter is not an enforcement action under the CAA. If St. Vincent fails to address the concerns stated in this letter and the concerns are later found to be violations of the CAA, EPA may initiate an enforcement action, seeking all appropriate legal remedies available under the CAA, including injunctive relief and civil penalties.

The EPA contact in this matter is Natalie Topinka. You may contact her at (312) 886-3853 or topinka.natalie@epa.gov if you have additional questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Sarah Marshall".

Sarah Marshall
Acting Chief
Air Enforcement and Compliance Assurance Branch

Enclosure

cc: Sara Kemme, EPA

U.S. EPA Small Business Resources Information Sheet

The United States Environmental Protection Agency provides an array of resources to help small businesses understand and comply with federal and state environmental laws. In addition to helping small businesses understand their environmental obligations and improve compliance, these resources will also help such businesses find cost-effective ways to comply through pollution prevention techniques and innovative technologies.

Office of Small and Disadvantaged Business Utilization (OSDBU)

www.epa.gov/aboutepa/about-office-small-and-disadvantaged-business-utilization-osdbu

EPA's OSDBU advocates and advances business, regulatory, and environmental compliance concerns of small and socio-economically disadvantaged businesses.

EPA's Asbestos Small Business Ombudsman (ASBO)

www.epa.gov/resources-small-businesses/asbestos-small-business-ombudsman or 1-800-368-5888

The EPA ASBO serves as a conduit for small businesses to access EPA and facilitates communications between the small business community and the Agency.

Small Business Environmental Assistance Program

<https://nationalsbcap.org>

This program provides a "one-stop shop" for small businesses and assistance providers seeking information on a wide range of environmental topics and state-specific environmental compliance assistance resources.

EPA's Compliance Assistance Homepage

www.epa.gov/compliance

This page is a gateway to industry and statute-specific environmental resources, from extensive web-based information to hotlines and compliance assistance specialists.

Compliance Assistance Centers

www.complianceassistance.net

EPA sponsored Compliance Assistance Centers provide information targeted to industries with many small businesses. They were developed in partnership with industry, universities and other federal and state agencies.

Agriculture

www.epa.gov/agriculture

Automotive Recycling

www.ecarcenter.org

Automotive Service and Repair

www.ecar-greenlink.org or 1-888-GRN-LINK

Chemical Manufacturing

www.chemalliance.org

Construction

www.cicacenter.org

Education

www.campuserc.org

Food Processing

www.fpeac.org

Healthcare

www.hrccenter.org

Local Government

www.lgean.org

Surface Finishing

<http://www.sterc.org>

Paints and Coatings

www.paintcenter.org

Printing

www.pneac.org

Ports

www.portcompliance.org

Transportation

www.tercenter.org

U.S. Border Compliance and Import/Export Issues

www.bordercenter.org

EPA Hotlines and Clearinghouses

www.epa.gov/home/epa-hotlines

EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. Examples include:

Clean Air Technology Center (CATC) Info-line

www.epa.gov/cate or 1-919-541-0800

Superfund, TRI, EPCRA, RMP, and Oil Information Center

1-800-424-9346

EPA Imported Vehicles and Engines Public Helpline

www.epa.gov/otaq/imports or 1-734-214-4100

National Pesticide Information Center

www.npic.orst.edu or 1-800-858-7378

National Response Center Hotline to report oil and hazardous substance spills - <http://nrc.uscg.mil> or 1-800-424-8802

Pollution Prevention Information Clearinghouse (PPIC) -

www.epa.gov/p2/pollution-prevention-resources#ppic or 1-202-566-0799

Safe Drinking Water Hotline -

www.epa.gov/ground-water-and-drinking-water/safe-drinking-water-hotline or 1-800-426-4791

Toxic Substances Control Act (TSCA) Hotline

tscs-hotline@epa.gov or 1-202-554-1404

Small Entity Compliance Guides

<https://www.epa.gov/reg-flex/small-entity-compliance-guides>

EPA publishes a Small Entity Compliance Guide (SECG) for every rule for which the Agency has prepared a final regulatory flexibility analysis, in accordance with Section 4 of the Regulatory Flexibility Act (RFA).

Regional Small Business Liaisons

www.epa.gov/resources-small-businesses/epa-regional-office-small-business-liaisons

The U.S. Environmental Protection Agency (EPA) Regional Small Business Liaison (RSBL) is the primary regional contact and often the expert on small business assistance, advocacy, and outreach. The RSBL is the regional voice for the EPA Asbestos and Small Business Ombudsman (ASBO).

State Resource Locators

www.epa.gov/statetools

State Locators provide state-specific contacts, regulations and sources covering the major environmental laws.

State Small Business Environmental Assistance Programs (SBEAPs)

<http://nationalsbep.org/states/list>

State SBEAPs help small businesses and assistance providers understand environmental requirements and sustainable business practices through workshops, trainings and site visits.

EPA's Tribal Portal

www.epa.gov/tribalportal

The Portal helps users locate tribal-related information within EPA and other federal agencies.

EPA Compliance Incentives

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations before an enforcement action has been initiated, businesses may be eligible for penalty waivers or reductions. EPA has 70 such policies that may apply to small businesses:

EPA's Small Business Compliance Policy

www.epa.gov/enforcement/small-businesses-and-enforcement

EPA's Audit Policy

www.epa.gov/compliance/epas-audit-policy

Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established a SBREFA Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. If you believe that you fall within the Small Business Administration's definition of a small business (based on your North American Industry Classification System designation, number of employees or annual receipts, as defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247).

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community in response to comments made under SBREFA.

Your Duty to Comply

If you receive compliance assistance or submit a comment to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act or related provisions.